

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ELEAZAR SANCHEZ HERRERA,

Plaintiff,

vs.

SIX UNKNOWN NAMES
AGENTS or MR. PRESIDENT OF
THE UNITED STATES BARACK
OBAMA,

Defendants.

Cause No. CV 12-00118-BLG-RFC-CSO

FINDINGS AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE JUDGE TO
CLOSE FILE

On September 10, 2012, the Court received the Complaint submitted in this case along with a nearly identical Complaint submitted in Civil Action No. 12-CV-00117-BLG-RFC-CSO. The Complaints appeared to be written in the same handwriting. Neither the filing fee nor a motion to proceed in forma pauperis was submitted with either Complaint. The Complaints were received in the same envelope from Big Spring Federal Correctional Institution in Big Spring, Texas.

The first Complaint was in the name of Young Yil Jo, a federal prisoner at Big Spring Federal Correctional Institution. The Complaint was signed by Yil Jo. Yil Jo has filed hundreds of frivolous lawsuits throughout the country. This Court has recommended that Yil Jo be denied permission to proceed in forma pauperis and his case be closed. See Civil Action No. 12-CV-00117-BLG-RFC-CSO.

The second Complaint, at issue here, is in the name of Eleazar Sanchez Herrera but it is not signed. While the docket indicates Sanchez Herrera's address is the Big Spring Federal Correctional Institution in Texas, the Bureau of Prisons website indicates Sanchez Herrera, prisoner number 10077-046 is incarcerated at the Cibola County Correctional Institution in Milan, New Mexico.

The Court has serious concerns regarding the Sanchez Herrera Complaint. First, it appears Yil Jo drafted and penned the Complaint because the handwriting on both Complaints is the same. And the handwriting appears to be the same handwriting as appears in complaints filed by Yil Jo in other jurisdictions. Secondly, the envelope in which the Complaints arrived came from Big Spring FCI where Yil

Jo is incarcerated but not Sanchez Herrera. Third, it appears Yil Jo may be submitting complaints in other prisoner's names without their knowledge. The Northern District of Georgia has noted it had dismissed at least eleven complaints allegedly submitted by federal prisoner Jaimes Enriquez against "Six Unknown Names [sic] Agents" at least one of which was actually submitted by Yil Jo. In addition, Enriquez had written that Court to say that many lawsuits filed in his name were not, in fact, filed by him. See Civil Action 11-CV-01341-WSD, DKT 2 (N.D. Ga April 29, 2011).

Consistent with the foregoing observations is that the Sanchez Herrera Complaint has not been signed. Rule 11(a) of the Federal Rules of Civil Procedure requires that every pleading, written motion and other paper be signed by a party personally if the party is unrepresented.

It appears that Yil Jo drafted this Complaint and it is unclear whether Sanchez Herrera has even seen it. In light of this, and because there is no signature on the Complaint, the Complaint should be stricken and this matter closed.

Based upon the foregoing, the Court issues the following:

RECOMMENDATION

The Complaint should be stricken and the Clerk of Court directed to close the case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

The Clerk of Court should be also directed to send a copy of this Order as well as the Complaint to Sanchez Herrera at Cibola County Correctional Institution. If Sanchez Herrera himself wishes to file a civil suit, he may do so by submitting a signed complaint and either paying the filing fee or submitting a request for permission to proceed *in forma pauperis* that complies with the requirements of 28 U.S.C. § 1915.

DATED this 11th day of September, 2012.

/s/ Carolyn S. Ostby
United States Magistrate Judge